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List of issues in relation to the second periodic report of the Holy See

Addendum

Replies of the Holy See to the list of issues*

[2 December 2013]

* The present document is being issued without formal editing.

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Introduction

1. The Holy See welcomes this opportunity to respond to the Committee on the Rights of the Child's (hereinafter the "Committee") requests for "further information relevant to the implementation of the Convention" (art. 44.4). These questions, in the form of a "List of Issues", react to the Holy See's Combined Second, Third and Fourth Reports (hereinafter the "Holy See's Report") on the Convention on the Rights of the Child (CRC).

2. To put the dialogue between the Committee and the Holy See into context, the Holy See underlines that it acceded to the CRC, on its own behalf and that of Vatican City State (VCS) and with three reservations.

3. As noted above, the Committee's requests for further information regard the Holy See's Report, which, in turn, is divided into four Parts:

(a) Part I deals with general considerations, including the nature of the Holy See as a subject of international law and the distinction between the Holy See and VCS. Part II responds to the concluding observations of the Committee to the Holy See's Initial Report by discussing general principles that it promotes internationally. Part III discusses the contributions of the Holy See in advancing basic principles recognized in the CRC, during the relevant time period, taking into consideration the Committee's Reporting Guidelines, as far as possible. Finally, Part IV addresses the implementation of the Convention in VCS;

(b) Parts II and III of the Report contain various examples pertaining to the local Catholic churches and institutions operating in the territories of other States. Such activities are offered as good practices inspired by the principles and teachings of the Holy See. However, prior to any reference to them a caveat is made along the following lines: the Holy See encourages and supports activities carried out by the local Catholic churches and institutions according to their own status in canon law, and in compliance with the laws of the respective States in which they operate (see e.g. paras. 9, 32, 38, 55, 75).

4. Although the Committee's "List of Issues" deals with the implementation of the CRC in VCS, most of the queries, despite the Holy See's caveat mentioned *supra*, seem to consider the bishops and major superiors of religious institutes acting as representatives or delegates of the Roman Pontiff (Holy See's Response to the Irish Government's Views on the Cloyne Report, 3 September 2011).

5. The Holy See is not unmindful of the complexity of its nature as a sovereign subject of international law. Therefore, in an effort to enhance the dialogue, the Holy See would like to address some preliminary issues, which seem to be at the heart of the conversation: a) the international personality of the Holy See, including distinctions between the Holy See and Vatican City State on the one hand, and the Holy See and the Catholic Church on the other; b) the nature of canon penal law and how it differs from State criminal laws; and c) the notion of State sovereignty and the application and implementation of the Convention.

The international personality of the Holy See

6. The Holy See is a sovereign subject of international law having an original, non-derived legal personality independent of any territorial authority or jurisdiction. The Holy See intended as the Roman Pontiff, in the narrow sense, and the Roman Pontiff with his dicasteries (especially the Secretariat of State) in the broader sense, has diplomatic relations with 180 States and participates as a Member and/or Permanent Observer in the United Nations (UN) and several specialized agencies of the UN System, as well as in various universal or regional intergovernmental organizations. As it declared in 1990, in acceding

to the CRC, the "Holy See intends to give renewed expression to its constant concern for the well-being of children and families. In consideration of its singular nature and position, the Holy See, in acceding to this Convention, does not intend to prescind in any way from its specific mission which is of a religious and moral character."

The Holy See and Vatican City State

7. The Holy See is related but separate and distinct from the territory of Vatican City State (VCS), over which the Holy See's exercises sovereignty, and the international personality of the Holy See has never been confused with the territories over which it has exercised State sovereignty. VCS was established in 1929 to more effectively promote the spiritual and moral mission of the Holy See. Therefore, colloquial references to the Holy See as the "Vatican" are incorrect and misleading. The Holy See globally encourages basic principles and authentic human rights recognized in the CRC, while it implements the CRC within the territory of VCS pursuant to the Holy See's reservation on this point, which states that application of the CRC must be "compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law (art. 1, Law of 7 June 1929, N. 11) and, in consideration of its limited extent, with its legislation in the matters of citizenship, access and residence."

The Holy See and the Catholic Church

8. The Holy See is related but separate and distinct from the Catholic Church, which is also a non-territorial entity and may be defined as a spiritual community of faith, hope and charity constituted as a visible society founded on the communion of faith, sacraments, discipline, and governance by its internal legal system, namely canon law. The Church portrayed as a communion refers to the mutual relationships that interact between the particular and the universal Church with respect for the principles of collegiality and primacy and the duties and rights in canon law of all members of Christ's faithful. Canon law preserves the right ordering of this society that is a hierarchically structured service of divinely entrusted functions of a sacred and administrative nature in specific regard to the sacraments (Pope John Paul II, Ap. Const. *Sacrae disciplinae leges*, 25 January 1983). Consequently, when the Holy See accedes to or ratifies a treaty, it does not do so on behalf of every Catholic in the world. Each member of the Catholic Church is subject to the laws of the respective State in which he or she lives, including all domestic laws, and the international obligations deriving from international agreements which have been introduced into national law.

The distinction between canon penal law and State criminal laws

9. The following points contained in the Holy See's Report (para. 98) are worth repeating. State criminal laws greatly differ from canon penal law; the latter is not intended to usurp or otherwise interfere with State jurisdiction (criminal or civil). Canon law is an original or non-derived system that regards those belonging to the Catholic Church. It addresses violations of public order in the Church, and therefore briefly treats the subject matter of certain ecclesiastical delicts, including sex abuse of a child, homicide and rape. These particular offenses also trigger sanctions by the State since the public order of civil society has also been disturbed, and the State's concurrent legislative jurisdiction is acknowledged by canon penal law (can.1344 (2), CIC). Ecclesiastical delicts predominantly concern the unity and functioning of the Church and the administration of sacraments. Consequently, some delicts are of little or no relevance to the State, while a few share concurrent jurisdiction with the State. However, canon law does not attempt to deal with any ecclesiastical delict in an exhaustive manner, nor to treat many more crimes that are generally sanctioned by the State. In addition, the juridical system of the Church does not use physical force for the punishment of delicts; there are no prisons or other such places.

State sovereignty and the CRC's application and implementation

10. The principle of the "sovereign equality" of States is the fundamental constitutional norm of the law of nations (see e.g. art. 2.1 of the Charter of the United Nations).

(a) The term "sovereignty" is usually employed to refer to the general legal competence of a State or some element of the same, and thus the term "jurisdiction", which includes legislative, administrative and judicial competence over a national territory, may be articulated in terms of sovereignty or sovereign rights. Jurisdiction, on the other hand, is merely one aspect of sovereignty; other key elements, for example, are the capacity to enter into diplomatic relations with other States, and to conclude international agreements. The basic principle of the sovereign equality of all States may, in turn, be described as having, at least, two important corollaries: the duty of non-intervention in the area of exclusive territorial or domestic jurisdiction of other States (see e.g. art. 2 (7) Charter of the United Nations) and the fact that State obligations in treaty law are based on consent (see e.g. preamble para. 3, 1969 Vienna Convention on the Law of Treaties (VCLT));

(b) As a general rule, a treaty is applied within the territory of a State Party and from the moment it is in force for the State Party (1969 VCLT, art. 28, 29). In specific regard to the Convention, the same rules apply based on "a good faith reading of the text, in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in light of the object and purpose of the treaty" (VCLT, art. 31; see also art. 32). The Convention refers to the "implementation of the Convention in the country concerned" (art. 44.2), which is a clear territorial reference to its application. This expression is buttressed by similar terms such as: "country" (art. 10.2); "countries" (art. 44.6); or "national law(s)" (art. 7.2, 20.2); or "domestic law" (art. 22.1). Other provisions may not employ this terminology, but nonetheless assume that a territorial reality is required for implementation. In this latter regard, article 2 obliges States Parties to respect and enforce the principle of non-discrimination "within their jurisdiction" and take "all appropriate measures" in this regard. While the term "jurisdiction" is not defined in the treaty, the ordinary use of the term, as discussed above, applies. Not unsurprisingly, many provisions in the CRC oblige States Parties to take appropriate national measures or legislative, judicial or administrative measures or to ensure that competent national authorities are involved with the implementation of certain rights, duties and principles contained in the CRC. A few provisions speak about "promotion", "encouragement" and "appropriate cooperation", including "international cooperation". These expressions, in turn, may include, on the one hand, the exchange of information: for family reunification (art. 22.2); for the treatment of children with disabilities (art. 23.4); and for multimedia projects (art. 17, 17.b). While, on the other hand, States Parties may participate in projects within the United Nations system (art. 24.2) or give support to developing nations (preamble para. 13; art. 4).

11. The Holy See now turns to the specific "List of Issues". It offers comments on VCS when it is required and gives updated material on relevant amendments to its laws, including matters that the Committee has raised in its "List of Issues". In addition, a copy of the crimes against children in the laws of Vatican City State is available as "Attachment I" to the Holy See's Written Replies. Moreover, the Holy See will use the following terminology: the word "implementation" will be employed in regard to application of the CRC, within a specific territory, while it will continue to use the terms "encourage" or "promote" to describe what the Holy See does internationally to form the consciences of Catholics and all persons of good will. In this latter regard, the Holy See's aim is: a) to sustain the role of international law, as a precondition of world stability; b) to urge everyone to respect, in their personal and professional conduct, the basic principles and authentic human rights recognized in the Convention; and c) to support an authentic interpretation of the CRC for full implementation by States Parties.

Part I

Question 1

Please provide information on the process of elaboration of the Holy See's report. In particular, please indicate whether children, children's associations and civil society associations were involved in the preparation of the report.

12. The Holy See's Report was prepared through a process that involved input from the relevant dicasteries of the Holy See, especially, the Secretariat of State, Section for Relations with States, and those mentioned in paragraph 57 (b)-(k) of the Holy See's Report. In addition, the Legal Office of the Governorate of Vatican City State and the Office of Promoter of Justice for the Tribunals of VCS participated. Moreover, the Permanent Observer Missions of the Holy See, in Geneva and New York, were consulted, as well as independent international law experts and representatives of Catholic non-governmental organizations.

13. The Holy See notes that the Convention does not require the participation of children, "children's associations" or "civil society associations" in the preparation of reports (cf. art. 44-45, CRC).

14. In addition, it is noteworthy to emphasize that the preparation of the report is not a "judicial or administrative proceeding" within the meaning of article 12 (2), CRC, which would require the participation of persons under the age of 18, pursuant to article 12 (1).

Question 2

With reference to paragraph 9 of the Holy See's report, please clarify the status of the Convention in the State party and provide information on the measures taken to incorporate its principles and provisions in the domestic legal system of the Vatican City State.

15. The Holy See looks forward to the interactive dialogue to understand the relationship between paragraph 9 of the Holy See's Report and this question as regards the implementation of the CRC in VCS. However, it is not the practice of the Holy See to enact or promulgate one single piece of legislation to incorporate an entire international human rights convention into the laws of VCS. Rather, the Holy See's approach is to ensure that the legislation, policies and practices comply with the human rights treaty. In particular, this is consistent with the reservation of the Holy See on the application of the CRC in VCS (see para. 5, *supra*).

16. In specific regard to paragraph 111 of the Holy See's Report, the following is worth repeating about the special nature of this State. It has a small population made up of citizens (who may or may not be inhabiting VCS) and residents (inhabiting non-citizens). Citizenship in VCS is primarily based on one's function, and in certain circumstances, a child may obtain citizenship due to his or her relationship with one who has citizenship (cf. Law of 7 June 1929, N. III, art. 1, 3-5; cf. Law of 1 October 2008, N. LXXI, art. 4 (a): citizenship is regulated by the laws of VCS). Citizens are generally comprised of cardinals, diplomatic personnel, other ecclesiastic and religious personnel, the Pontifical Swiss Guards, lay men and lay women. Residents are generally comprised of ecclesiastics (non-cardinals), religious and lay people." In addition, it is also noteworthy that all children who live in VCS receive their primary education and training in schools located in Rome (Italian and international institutions).

17. Not surprisingly, the Holy See has encountered certain challenges with respect to implementing the CRC in VCS, where few children reside. However the following initiatives are particularly relevant:

(a) The criminal laws of VCS have been recently amended to include specific crimes against children (see the discussion *infra* in Part III and Attachment I, in this regard);

(b) A special office was established on 10 August 2013 to oversee the implementation of international agreements to which the VCS is a State Party (Cardinal President of the Governorate of VCS, General Protocol, 8 August 2013);

(c) Human rights courses have been integrated into the training of the Gendarmes, which now include an introductory course on human rights and the United Nations system and an overview course on the Conventions acceded to or ratified by the Holy See, most notably the CRC and its Optional Protocol on Children in Armed Conflict (OPAC) and the OPSC. Furthermore, courses are being planned for the Swiss Guards as well as medical personnel working in VCS;

(d) Adults and children on Vatican City State territory have ready access to the Internet, and therefore have the ability to obtain instantaneously the full text of the CRC;

(e) Copies of the Convention are available at various institutions and offices in VCS, including the Secretariat of State, Governorate of VCS, the Gendarmerie and the Tribunals of VCS.

18. Other examples of implementation are specifically noteworthy: the term "illegitimate" is no longer employed in the laws of VCS; the abandonment of children is a crime in VCS (CPL, 386) as well as abuse of the means of correction or discipline (CPL, 390), and the laws of VCS have recently been amended to include more specific crimes of violence against children, by members and non-members of the family (see discussion infra in Part III and Attachment I). In regard to "the opportunity to be heard in any judicial and administrative proceedings affecting the child" (art. 12 (2), CRC): as a victim, a child may inform authorities of a crime either personally or through their parents or other third party and/or they may act as witnesses and/or otherwise provide evidence in the criminal justice process itself pursuant to the laws of VCS (art. 85, 1°, art. 247 ICCP; art. 118, (1), (1) (a) Code of Civil Procedure).

19. Lastly, the VCS is currently developing a safe environment program for children and in this regard is consulting various good practices, including training and support materials developed and employed by local Catholic churches in different countries. The above-mentioned program would be based on the following safeguarding standards: a written child protection policy; written procedures responding to allegations and concerns; policies and practices to prevent harm to children; training and education for Church personnel; clear processes to communicate the Church's child safeguarding policy and procedures; access to advice and support for victims and perpetrators; and a plan to implement and monitor policies and procedures. To put this into practice, the Holy See is currently studying PowerPoint slides for educators and discussion points as well as a series of "handouts" or fact sheets (including those on disclosing abuse; best practices in working with children and young people; a safeguarding checklist; and a model code of behaviour for adults). In addition the Holy See is reviewing a number of "Forms", such as a sample code of behaviour, a complaints form and a safe recruitment and selection checklist.

Question 3

With reference to paragraph 57 of the Holy See's report, please elaborate on the concrete measures undertaken by the Pontifical Council for the Family [PCF] to implement and evaluate the implementation of the Convention.

20. As previously mentioned, the Holy See encourages or promotes the principles as well as the rights and duties of the CRC internationally. Unfortunately, the word "implementation" was employed in paragraph 57 of the Holy See's Report, instead of the term "encouragement", which is the most accurate way to describe what the Roman Pontiff and his dicasteries do internationally (see para. 8, *supra*). The PCF, whose aim is the pastoral care of the family, studies the CRC and the rights of the child by conducting research, organizing conferences, raising public awareness and publishing conference proceedings. Examples of these activities have been included in paragraph 56 (b) of the Holy See's Report. This same paragraph also mentions the most recent evaluation of the Convention which was done in 2010, at the PCF's Annual Plenary Assembly on the theme "Rights of the Child." As explained, scholarly interventions addressed the historical background of the CRC, current interpretations by the Committee as well as various interdisciplinary aspects of the development of children, including family–child relations: psychological, sociological and pedagogical.

21. The Holy See offers updated information in its Report submitted in September 2011 on the activities of the PCF and the rights of the child:

(a) In 2012, the PCF coordinated sociological research conducted under the direction of Professor Pierpaolo Donati from the University of Bologna. The results of these studies were published in the book *Famiglia – Risorsa della società*, (Mulino: Bologna 2012);

(b) In 2013, the PCF cooperated with the Child Foundation for Study and Research into Childhood and Adolescence. The Foundation was set up in 1998 by the Italian association *S.O.S. Il Telefono Azzurro* – National Helpline for the Prevention of Child Abuse. The goal of the Child Foundation is to promote a child-centered culture through a close examination of the causes and treatments of physical and mental diseases, as well as of behavioural and mood difficulties in children and adolescents. It engages in research in the fields of biology, paediatrics, developmental psychology and child psychiatry with a view to promoting healthy child development and effective treatments for physical and mental disorders of children;

(c) In 2013, the PCF held three events to celebrate the 30th anniversary year of the Holy See's Charter on the Rights of the Family. A seminar was organized for Portuguese-speaking jurists on the Charter of the Rights of the Family in Rome (June 18-20). A conference was co-sponsored with the Association of Italian Catholic Jurists entitled: "The Rights of the Family and the Challenges of the Contemporary World", in Rome (September 19-21). The PCF took up the Charter on the Rights of the Family, once again, during its annual Plenary Session (October 23-25). Many principles as well as rights and duties in the Charter on the Rights of the Family are consistent with the Convention. For example, both documents recognize the child's right to life requiring legal protections for children before as well as after birth; children should know and be raised by their parents and in this regard, the family, the natural and fundamental unit of society, based on marriage, between one man and one woman, a partnership for life, essential for the begetting and education of children, is entitled to the protection of society and the state. For further information, please find a copy of the Charter of the Rights of the Family in the form of an attachment to the Holy See's Written Replies, provided as Attachment II.

Question 4

Please indicate the measures taken by the Holy See to ensure the effective dissemination of the Convention among the general public and in particular children. Please also indicate the training provided to all religious personnel who work in contact with children.

22. In conformity with article 42 of the CRC, pursuant to which States Parties have undertaken "to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike," the Holy See raises awareness through formation of the consciences of Catholics and all people of goodwill, in reiterating basic principles and authentic human rights worldwide, by means of publications, speeches and conferences. This argument is developed at considerable length on a wide range of issues in the Holy See's Report.

23. While the word "training" is not contained in the CRC, nor the expression "religious personnel", the Holy See acknowledges that "training" constitutes a good practice for the ultimate protection of children and prevention of child sexual violence. The Holy See supports the protection of children and the young through the promotion of safe environments for them and public awareness programs. Such activities are to include the formation and education of parents together with the screening, training and formation of clerics, religious and lay persons, engaged in pastoral work for Catholic institutions and programs (Congregation for the Doctrine of the Faith, Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics, 3 May 2011).

24. In response to the Committee's questions on the training provided to all religious personnel who work in contact with children, the Holy See reiterates what it states in paragraph 8 of the Introduction, *supra*. In brief, the daily training of religious personnel who work at the local level is carried out in accordance with their own status in canon law, and the laws of the respective States in which they operate.

Question 5

Please indicate the steps taken to address discrimination between children in Catholic schools and institutions, in particular with regard to gender, and to promote equality between girls and boys. In particular, please indicate the measures taken to remove from Catholic schools' textbooks all sex stereotyping which may limit the development of the talents and abilities of boys and girls and undermine their educational and life opportunities.

25. The Holy See recognizes that article 2 of the Convention obliges States Parties to respect and ensure the rights of the Convention within their territorial jurisdiction "without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's ... sex." In regard to the Committee's question on the topic of "gender", the Holy See has already given a response to this query, which was raised in the Committee's concluding observations, and answered in paragraph 36 of the Holy See's Report.

26. On the question concerning Catholic schools and institutions around the world and their textbooks, as previously mentioned, they operate according to their own status in canon law and comply with the just laws of the respective State where they are situated. However, such initiatives are to be inspired by the principles taught by the Holy See on the equality between boys and girls set out in its report, in particular paragraph 23 (a), which deals with the topic of the inherent dignity of the child, both male and female; paragraphs 25-30, which regard the general aims and principles of Catholic education for girls and boys; and paragraph 37 (a)-(k), which address the education of girls. The principles contained in these paragraphs do not suggest that the Holy See promotes the

position, on the one hand, that girls are inferior to boys or that boys are superior to girls; or on the other hand, that boys are inferior to girls or that girls are superior to boys. Rather, the Holy See promotes complementarity between the two sexes. Boys and girls are equal in their inherent dignity, made in the image and likeness of God, but different in their biological sex. This does not mean that everything is biologically determined: for example, the Holy See does not take the position that girls cannot study or ride a bike because they are female or that boys cannot cook or clean because they are male. On the other hand, the Holy See does not accept the ideology that masculinity and femininity are social constructs along with the notions of boy or girl or sister or brother or mother or father. Rather, the Holy See presents a balanced view in recognizing the equal human dignity of boys and girls and their call to mutual respect, reciprocity and complementarity as well as to collaboration and to communion, in all sectors of society.

Question 6

Please indicate whether the Holy See still labels children born outside wedlock as "illegitimate children" and whether it has assessed the consequences on the use of such terminology on the rights of these children.

27. While noting that the term "illegitimate children" is not found in the CRC, the Holy See stresses that it does not use it on the international level, and at the same time it recognizes the rights of all children to social protection. Article 4 (e) of the Charter on the Rights of the Family reads: "All children, whether born in or out of wedlock, enjoy the same right to social protection, with a view to their integral personal development." For further information see the Charter of the Rights of the Family that is provided as Attachment II. Also see written reply 3.2, *supra*, which discusses the initiatives of the PCF in this regard.

Question 7

Please provide information on the concrete measures taken by the State party to promote and protect the right of children to be heard and to express their views freely in all matters affecting them in accordance with article 12 of the Convention. Please also clarify the statement contained in paragraph 23a of the State party's report that "the inherent dignity of the child is founded on something more profound than his ability to express his views".

28. The Holy See is aware that the Committee has isolated four basic principles, one of which is referred to as the "child's right to be heard" (also discussed as the right to express one's views or the right to participate). The Convention does not use the expression the "right to be heard" or the "right to participate", but rather the "opportunity to be heard" and this expression is an application of the right to express his or her views, in the context of judicial and administrative proceedings (art. 12.1, 12.2). The CRC in article 12 (1) provides: "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." The implementation of this provision is provided in article 12 (2): "For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law." In light of the above, the Holy See considers the implementation of the right to express one's view in (art. 12.1) within the context of "judicial and administrative proceedings" referred to as the "opportunity to be heard", which is largely a procedural matter (art. 12.2). On this point, the Holy See recognizes that in various domestic legal systems a child may participate as a witness or complainant or a victim offering a "statement of his or her suffering". A child

may also have the opportunity to be heard (art. 12.2) during custody hearings, for example in cases of separation. In such settings, an issue may arise as to how the child will express those views (art. 12.1), via oral testimony, videotape, in the private chambers of a judge, or behind a screen, especially in cases involving violent crimes. These issues, in turn, raise many other questions of a practical nature.

29. The sentence "the inherent dignity of the child is founded on something more profound than his ability to express his views" is articulated in paragraph 23 (a) of the Holy See's Report devoted to the "dignity of the child." As previously mentioned, the Holy See acknowledges that the Committee promotes the child's "right to be heard" (or its equivalents), as a general principle outside the procedural context of article 12.2. The Holy See, on the other hand, articulates key principles in paragraph 23 (a)-(n) of its Report and fleshes them out under the following headings and with reference to the CRC: a) The Dignity of the Child; b) The Child's Rights and Duties within the Context of the Family; c) The Child's Rights and Duties Require the Special Protection and Promotion of the Family; d) The Child's Well-being; e) The Child's Right and Duty as regards Life and the Parents' Duties and Rights; f) The Child's Right and Duty as regards Education and the Parents' Duties and Rights; and g) The Child's Right and Duty as regards Religious Freedom and the Parents' Duties and Rights. In specific regard to the sentence under consideration, the Holy See intends to underline that not every child can verbalize his or her views and should not be marginalized as a result. Embryos, the fetus, newborns, infants and/or verbally challenged disabled children have inherent dignity as human beings and human persons and consequently, possess the rights that flow therefrom.

30. Having said that, the Holy See sees an integral connection between the child's expression of his views in judicial and administrative proceedings, in article 12 and the child's "freedom of expression", in article 13. The Holy See interprets this latter article in light of the limitations provided in the Convention (e.g. art. 13.2) and the Holy See's reservations which "safeguards the primary and inalienable rights of parents." The Holy See promotes the freedom of expression, verbal and non-verbal, within the larger context of the character-building of children. Parents, in the first instance, are called to educate their child to grow in human virtue. For this reason, the Holy See promotes the family as the first school of human virtues tasked with the duty to educate the inner core of the child through self-knowledge leading to self-discipline and then self-surrender or service of others. In society the interest in developing human virtues is often tied to performance-based outcomes, while in the family it is possible to motivate children to develop virtues based on love of others. In specific regard to a proper exercise of one's rights and duties associated with freedom of expression, the virtue of sociability is particularly important, although all of the human virtues are interrelated, in a certain sense. Sociability also assists in building solidarity, which is part of the larger question of human brotherhood, especially when one considers the human person's transcendence and orientation to God. The Holy See finds support for this last proposition in article 1 of the UDHR: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Question 8

Please indicate whether an investigation was conducted by the Holy See into the complaints of torture and other cruel, inhuman and degrading treatment and of subjection to forced labour of girls held in the Magdalene laundries run by Catholic Sisters in Ireland until 1996. If so, please provide the Committee with the main findings of such an investigation. In particular, please provide detailed information on:

(a) The proceedings engaged against all those found responsible within these congregations, and against all those who financially benefitted from the forced labour done by girls in the laundries;

(b) The number of babies taken away from their mothers in the Magdalene laundries, placed in Catholic orphanages or given for adoption, as well as on the measures taken to reunite mothers with their children, and the efforts to ensure full disclosure of all information on the whereabouts of all these children;

(c) The compensation as well as the rehabilitation measures, including medical, psychological and social services provided to the victims of the Magdalene laundries who are still experiencing long-lasting consequences of the abuse suffered when they were children.

31. The Holy See is grateful for the investigation carried out by Ireland and in collaboration with various bodies within the United Nations system. It respects the duty of Ireland to investigate such matters and determine whether criminal investigations are also warranted.

32. The Holy See, as a sovereign subject of international law, is obliged to respect the duty of non-intervention into the domestic affairs of other States concerning alleged crimes against children committed by persons, including Catholics, living and working within institutions operating in their respective territories. As previously noted, the implementation of the Convention is applied within the territories of States Parties and during the time period in which the Convention is in force for the respective State Party.

33. In addition, it is noteworthy to underline that the expression "child labour" is not found in the Convention, rather article 32 (1) speaks about the "right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." In terms of implementation within a given territory, article 32 (1) obliges States to "take legislative, administrative, social and educational measures" including: a) Provide for a minimum age or minimum ages for admission to employment; b) Provide for appropriate regulation of the hours and conditions of employment; and c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article." As regards the question of torture, a child shall not be "subjected to torture or other cruel, inhuman or degrading treatment or punishment" in article 37 (a). Torture is not defined but is integrally linked to just criminal procedures set out in article 37 (b-d).

34. The Holy See is encouraged by the statements of apology offered by religious orders that were investigated by the State of Ireland. The Holy See is also heartened by the openness of the religious sisters to engage in discussions about issues of compensation, and their willingness to pay a part of a compensation package developed by State authorities.

35. The Catholic Church teaches that the "human body shares in the dignity of the image of God" (CCC 364), which should foster in every person the awareness that he or she is deserving of love and respect. Abuse of all kinds is harmful to that inherent dignity, and

children in particular are the most vulnerable to mistreatment and exploitation. On the question of child labour, in 1891, Pope Leo XIII's encyclical *Rerum Novarum* stated: "And, in regard to children, great care should be taken not to place them in workshops and factories until their bodies and minds are sufficiently developed. For, just as very rough weather destroys the buds of spring, so does too early an experience of life's hard toil blight the young promise of a child's faculties, and render any true education impossible." (Id., para. 42) There have been a plethora of other statements over the years, the most recent in 2013 by Pope Francis, when he denounced child labour in strong terms on the World Day Against Child Labour, calling it a "plague" and a form of "slavery".

36. Pope Benedict XVI, as universal Pastor, has directly addressed the abuse of children and young people by members of the Church in Ireland, particularly by priests and religious personnel. He has spoken directly to believers and non-believers alike to acknowledge the grave errors of the past with deep regret and sorrow, in support of the local church and Catholics in Ireland. For further information please find a copy of the Address of Pope Benedict XVI to the Bishops of Ireland (October 2006) and of the Pastoral Letter of Pope Benedict XVI to the Catholics of Ireland (2010) in the form of attachments to the Holy See's Written Replies, provided respectively as Attachments III and IV.

Question 9

With reference to paragraph 29a of the Holy See's report, please indicate whether the Holy See has clearly condemned and taken measures to prevent all forms of corporal punishment of children in all settings, including within the family. In view of the widespread allegations of corporal punishment inflicted on children in Catholic institutions, as revealed notably by the Ryan Commission in Ireland, please explain the measures taken by the State party to impartially investigate those allegations and hold those accountable responsible.

37. Corporal punishment is not explicitly mentioned or defined in, nor prohibited by, the Convention, although the Holy See is aware that the Committee recommends to States Parties that they interpret the Convention in a way that prohibits corporal punishment. The Committee mentions paragraph 29 (a), but no such paragraph exists in the Holy See's Report (CRC/C/VAT/2), however, the Holy See looks forward to seeking clarification on this point at the interactive dialogue. In specific regard to acts of corporal punishment that were carried out by Catholic institutions operating in Ireland, and with State involvement, written replies to question 8 apply. On the international level, the Holy See does not promote corporal punishment. Pope John Paul II in *Evangelium Vitae* (The Gospel of Life), while comparing the Old Testament with the New Testament, raises the issue of corporal punishment: "Of course we must recognize that in the Old Testament this sense of the value of life, though already quite marked, does not yet reach the refinement found in the Sermon on the Mount. This is apparent in some aspects of the current penal legislation, which provided for severe forms of corporal punishment and even the death penalty. But the overall message, which the New Testament will bring to perfection, is a forceful appeal for respect for the inviolability of physical life and the integrity of the person. It culminates in the positive commandment which obliges us to be responsible for our neighbour as for ourselves: 'You shall love your neighbour as yourself' (Lev 19:18)." (EV, para. 40)

38. In specific regard to the parent-child relationship, the 1987 Catechism of the Catholic Church (CCC, 2221-2223) recognizes that parents are obliged in the first instance to educate, guide, correct, instruct and discipline their child; the terms "corporal punishment" or "punishment" are not used. Moreover, the CCC emphasizes that the parents' failure to exercise their responsibilities and duties in regard to their children does not promote healthy child development. This in turn implies that the proper parental attitude and intention towards their child should be to rectify the child's inappropriate action by imposing certain reasonable consequences for such behaviour taking into

consideration the child's ability to understand the same as corrective. This point should also be considered alongside Pope John Paul II's appeal for respect for the inviolability of physical life and the integrity of the person. Moreover, it is worth noting that parents are bound by the laws of the State where they live.

39. In regard to the teacher-student relationship, certainly parents can delegate their inalienable rights of education to teachers, who within their scope of responsibility may, in certain circumstances, rectify the child's inappropriate action by imposing certain reasonable consequences for such behaviour taking into consideration the child's ability to understand the same as corrective. Here again, the Holy See does not use the term "corporal punishment" and the words of Pope John Paul II are again relevant. Moreover, it is worth noting that teachers are bound by the laws of the State where they work.

Question 10

Please explain how the Holy See fulfils its responsibility to exercise due diligence and to prevent violence against children within the family. In this context, please clarify the statement contained in paragraph 23 of the Holy See's report that "children must be protected in cases where a proven abuse has been committed within the family" and that "beyond such cases, civil authorities must not intervene in the family and interfere with the duties and rights of the parents". Please indicate whether the Holy See has created within its own institutions and encouraged other States to create safe and child-sensitive counseling, complaint and reporting mechanisms for children.

40. The Holy See does not accede to or ratify human rights treaties on behalf of every Catholic in the world; every person must comply with the laws of the State in which they live. In specific regard to paragraph 23, to put this reply into context, the Holy See adopts what it states in written reply 7.2; in brief, paragraph 23 (a)-(n) of its Report emphasized basic principles and the rights and duties of children within the context of the family also recognized in the CRC. The statement that "children must be protected in cases where a proven abuse has been committed within the family" and that "beyond such cases, civil authorities must not intervene in the family and interfere with the duties and rights of the parents", was made in relation to the Holy See's discussion about the child's well-being, and paragraph 23 (g) states in full: "Obviously, children must be protected in cases where a proven abuse of a child's rights has been committed within the family (e.g. human embryo manipulation and/or destruction, abortion, neglect, physical and/or sexual abuse). Beyond such cases, however, civil authorities must not intervene in the family and interfere with the duties and rights of parents, who are presumed to act for the well-being of their child, especially as regards matters pertaining to primary care, religion, education, association with others, access to appropriate information, and privacy. The Holy See finds support for these propositions in the Convention (e.g. art. 3, 18-20).

41. The Holy See is not offering a legal standard of proof but rather is emphasizing that the State has a careful balance to meet between protecting the child in the family on the one hand, and avoiding undue State interference into the family on the other hand. It is commonly accepted that the State cannot intervene to take children out of families because the family is poor or the child might "do better in another family" or "because the child has expressed a desire to live with his or her friend's family".

42. In specific regard to the Committee's expression "own institutions", perhaps this issue should be left for the interactive dialogue, where the Holy See has the opportunity to hear from the Committee on what it means in using this expression. This is especially necessary given the preliminary considerations in the "Introduction", paragraphs 1-11, *supra*.

Question 11

In light of the recognition by the Holy See of sexual violence against children committed by members of the clergy, brothers and nuns in numerous countries around the world, and given the scale of the abuses, please provide detailed information on all cases of child sexual abuse committed by members of the clergy, brothers and nuns or brought to the attention of the Holy See over the reporting period. For all these cases, please provide detailed information on:

(a) The measures in place to ensure that no member of the clergy currently accused of sexual abuse be allowed to remain in contact with children, as well as the specific cases where immediate measures were taken to prevent them from being in continued contact with children, as well as the cases where priests where transferred to other parishes or to other States where they continued to have access to and abuse children;

(b) The explicit instructions given at all levels of the clergy to ensure the compulsory reporting to national competent authorities of all cases of sexual abuse and on the cases where instructions were given not to report such offences, and at which level of the clergy;

(c) The type of support and protection provided by the Holy See to child victims of sexual abuse testifying against their sexual abusers and the cases where children were silenced in order to minimize the risk of public disclosure;

(d) The investigations and legal proceedings conducted under penal canon law against perpetrators of sexual crimes and their outcome, as well as the cooperation provided by the State party in proceedings brought in countries where the abuses were committed;

(e) The number of child victims who have been given assistance for recovery, including psychological support and social reintegration and have received financial compensation. With reference to paragraph 98 of the Holy See's report, please clarify whether the confidentiality of the proceedings was imposed on child victims as a condition precedent of financial compensation; and

(f) The measures undertaken to prevent further sexual violence from taking place in institutions run by the Catholic Church and to provide information on prevention to children and their families.

43. The Holy See is deeply saddened by the scourge of sexual abuse that is affecting millions of children throughout the world, and regrets that, unfortunately, some members of the clergy have also been involved in this abuse.

44. In response to this sad situation, the Roman Pontiff has acted decisively: he has exhorted the members of the Church to lead holy lives; amended norms regarding suitability of candidates for the priesthood; met and listened to victims in order to assist and support the local Church; encouraged the international study of the problem of child sexual abuse, bringing together bishops and religious superiors with victims, medical doctors, psychologists, educators, canonists, safe-environment protection programmers and others. He has also revised some rules of the canon law to ensure that clerics and religious personnel are properly disciplined.

45. In addition, the Holy See has developed guidelines as a support to the local churches throughout the world in the exercise of their proper competence in this matter, encouraging

them to take the necessary measures to protect children from this abuse and safeguard them from any difficulty in the future.

46. As for the request of the Committee to provide information on cases of sexual abuse committed by members of the clergy, brothers and nuns, it is important to emphasize that, according to the customary procedures envisaged by international law, it is not the practice of the Holy See to disclose information on the religious discipline of members of the clergy or religious according to canon law, unless there is a related matter concerning international judicial cooperation with a State and the request by the State is made, generally, through specific procedures. The Holy See also adopts what it states in paragraph 9, *supra*, of the Introduction on the distinction between canon penal law and State criminal laws. Having said that, the Holy See will endeavor to answer the aforementioned questions, in a general way, with particular reference to the most recent initiative of the Congregation for the Doctrine of the Faith, namely, the provision of Guidelines to assist Episcopal Conferences throughout the world. Some of the essential principles lie outside the remit of canon law and are therefore relevant to the international community on topics such as victim assistance, safe-environment programs for children and cooperation with civil authorities. This discussion, infra, should be viewed as complementary to all that has been previously stated on the Holy See's efforts regarding the issue of child sexual abuse and other forms of exploitation contained in the Holy See's Report and in the Holy See's Initial Report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

47. Primary Duties Under the Guidelines. The Diocesan Bishop and Major Superior have the primary obligations of assuring the protection of children and of the young involved in pastoral work of the Church, in Catholic schools and parishes, in youth outreach and recreational programs promoted by Catholic institutions, and to provide an appropriate response to cases of sexual abuse of minors by clerics or religious personnel, as well as to prevent sexual violence and abuse. The Guidelines were drafted to assist the correct application of the norms promulgated, on 21 May 2010 by Pope Benedict XVI, as a revised version of the norms promulgated by Pope John Paul II in 2001, which included norms on the sexual abuse of minors by members of the clergy.

48. Priests, Religious Personnel and the Protection of Children. As a preemptive action, greater scrutiny must be exercised: a) in accepting candidates for the priesthood and religious life; b) in exchanging information when those same candidates or priests or religious transfer from one seminary, diocese or religious institute to another; and c) in developing spiritual and human formation programs, including an appreciation of chastity and celibacy. The Guidelines also emphasize the protection of minors, and the non-return of a cleric to ministry, in cases where minors would be in danger, and the application of canon law in this respect.

49. Cooperation with Civil Authority. The fundamental truth that the sexual abuse of minors is a crime that violates State criminal laws must be recognized. In particular, respect should be shown: a) for civil laws, such as reporting obligations; b) for the person who reports the delict of clerical sexual abuse of a minor; and c) for the right to request that his or her name not be made known to the priest denounced, in cases connected with a further delict, namely that against the dignity of the Sacrament of Penance.

50. Victims of Sexual Abuse. Victims must be listened to and their suffering acknowledged. They must be offered spiritual and psychological assistance with a view to fostering healing and to promoting reconciliation, for the purpose of their possible social rehabilitation. As was noted in the introduction of this Report, the Church conducts penal canon law proceedings in confidence, according to the criteria of due process, in order to protect the witnesses, the accused and the integrity of the Church process. As was noted, in the introduction of these written replies, although the proceedings are not open to the public, this does not forbid or even discourage anyone from reporting the underlying

allegations to civil authorities. The Church has constantly taught the moral obligation to obey just civil laws (cf. Matt. 22:21; Rom. 13:1; Catechism of the Council of Trent, 1566; Second Vatican Council, *Gaudium et spes*, 1965; Catechism of the Catholic Church, 1992). The Holy See does not encourage believers or non-believers to stop a person from making a complaint or report to State authorities about a crime and any confidentiality agreement at the local level must comply with the laws of the State.

51. Protection of Children. Children and the young must be protected through the creation of safe environments and public awareness programs, both with a view to preventing child abuse in the future. Such activities should include the formation and education of parents together with the screening, training and formation of clerics, religious or lay persons, engaged in pastoral work for Catholic institutions and programs that operate in different countries in compliance with national laws.

Question 12

With reference to paragraph 23 of the Holy See's report relating to the right of the child to grow up in a family environment, please indicate the measures taken to investigate the allegations made by young boys enrolled in the Legion of Christ that this religious congregation has been separating them from their families.

52. The Holy See refers back to written reply 7.2, wherein it gives an overview of the general principles of the Holy See in paragraph 23 (a)-(n). Paragraph 23 (c) regards the child's rights and duties within the context of the family: "Children's rights cannot be seen outside the context of the family, the first and most vital unit of society. For that reason, protection of children's rights cannot become fully effective unless the family and its rights are fully respected by the legal systems of States and the international community". In support, the Holy See cites the preamble of CRC wherein it acknowledges that: a) "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding" (preamble, para. 6, CRC); and b) that marriage between one man and one woman constitutes "the family, the natural and fundamental group unit of society [which is] entitled to protection by society and the State" (preamble, para. 3 CRC cf. UDHR, art. 16). The question of the rights of the family as well as those of children is always united to the rights and duties of parents. In this regard, paragraph 23 (l) provides: "Every child, in virtue of his inherent dignity as a human person, has the inalienable right to education including on matters which pertain to the responsible exercise of his rights (e.g. privacy, freedom of expression, access to information, freedom of association, freedom of religion, and so forth)." Paragraph 23 (m) states: "Freedom of religion is based on "the very dignity of the human person as known through the revealed word of God and by reason itself." And parents have the duty and right "to decide in accordance with their own religious beliefs the form of religious upbringing which is to be given to their children". The Holy See finds support for these propositions in the Convention: preamble paragraph 3 cf. article 26 (3) UDHR, article 3 (2); article 5, article 14 (2) read together with articles 28-29. The parental right and duty to educate includes the choice of schools such as pre-seminaries and minor seminaries for boys, which the Holy See promotes as an education that is consonant with the genuine development of the human person.

53. Having said that, article 9 (1) of the Convention obliges States Parties to ensure that "a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence." The Holy See, as a sovereign

subject of international law, is obliged to respect the duty of non-intervention into the domestic affairs of other States concerning alleged crimes or violations against children committed by persons, including Catholics, living and working within institutions operating in their respective territories. As previously noted, the implementation of the Convention is applied within the territory of each State Party starting on the day of the Convention's entry into force for the respective State Party.

Question 13

Taking into account that Catholic institutions provide different types of services around the world in relation to child abandonment, including baby boxes, please indicate the measures taken by the Holy See to ensure that the necessary support is provided to families to prevent abandonment. In case of abandonment, please explain the measures taken to preserve the right to identity of abandoned children.

54. The Holy See does not exercise effective control over the local activities of Catholic institutions around the world, which operate in accordance with their own status in canon law and the laws of the respective State in which they operate. As previously mentioned, States Parties have a duty to enact laws where such services are located by creating laws and regulations concerning them and the responsibilities of institutions involved in receiving abandoned children.

55. Having said that, the expressions "child abandonment" and "baby boxes" are not found in the CRC, however, the Convention recognizes the duties of parents to protect and care for their child and the correlative rights of the child to know, be cared for and protected by their parents (art. 18, 7.1). Parental abandonment of children would constitute a violation of these duties and rights. From the perspective of promoting the CRC, it is worth noting that children may be "discarded", in a number of different ways, and for different reasons, for example: as extra or spare embryos during certain artificial reproduction technologies; as "inconvenient babies" destined for abortion; and as "problematic newborns" left to die in dumpsters. A practice that permits the child to be placed in a warm place, where they are received and cared for by others, as an alternative to abortion or infanticide might be considered as a good practice. From a common sense perspective, the right to life, in article 6 of the CRC, precedes the right to know one's parents, in that, if the parents of a child were to end the child's life before birth or immediately after birth, the child would have no opportunity to know or be raised by the same. Lastly, abandonment of children in such cases offers the opportunity of the parents to return and retrieve their children. In regard to regulation of this practice, States Parties have a duty to enact laws where such services are located by creating laws and regulations concerning them and the responsibilities of institutions, which receive them.

56. As noted in written reply 12.1, *supra*, the Holy See's main vehicle to stop the abandonment of children is the formation of consciences of Catholics and every person of goodwill on fundamental principles regarding human sexuality, marriage as well as the rights and duties of the family and parents. For example, the Holy See promotes the natural family based on marriage between one man and one woman, as a partnership for life, tasked with the transmission of integral procreation: giving life, nurturing life, protecting life and educating life. Article 5 of the Holy See's Charter on the Rights of the Family addresses the rights and responsibilities of parents and article 4 discusses the rights of the child before as well as after birth. This latter article includes the following: "Orphans or children who are deprived of the assistance of their parents or guardians must receive particular protection on the part of society. The State, with regard to foster-care or adoption, must provide legislation which assists suitable families to welcome into their homes children who are in need of permanent or temporary care. This legislation must, at the same time, respect the natural rights of the parents."

Part II

In this section, the Committee invites the Holy See to briefly (three pages maximum) update the information presented in its report with regard to:

New bills or laws, and their respective regulations

57. **Apostolic Letter**, issued *MOTU PROPRIO*, Roman Pontiff Francis, On the Jurisdiction of Judicial Authorities of Vatican City State in Criminal Matters. With the *Motu Proprio*, two new sets of laws are promulgated which transform international obligations of the Holy See and of VCS, on penal matters, into binding domestic law of VCS. In particular, the more specific crimes against children, defined as anyone under 18 years of age, are those indicated in the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography: sale of children, child prostitution, child pornography, sexual violence against children, sexual acts with children, possession of child pornography. The criminal laws have also been amended to include the crime of enlistment of children in an armed group, the crime of human trafficking, the crime of torture and crimes against humanity, including slavery with special mention of women and children for the purpose of sexual exploitation. In brief, the competent Judicial Authorities of Vatican City State shall now also exercise penal jurisdiction over these crimes and according to the laws transformed in Vatican City State Law No. VIII, of 11 July 2013, containing Supplementary Norms on Criminal Law Matters; in Vatican City State Law No. IX, of 11 July 2013, containing Amendments to the Criminal Code and the Criminal Procedure Code, when such crimes are a) committed by persons deemed "public officials" (e.g. persons working within the Roman Curia and related institutions as well as diplomatic personnel in missions around the world); b) committed by the same in the exercise of their functions; and c) if the perpetrator is physically present in the territory of Vatican City State and has not been extradited. (See in particular, Vatican City State Law No. VIII of 11 July 2013, containing Supplementary Norms on Criminal Law Matters and Vatican City State Law No. IX of 11 July 2013, containing Amendments to the Criminal Code and the Criminal Procedure Code).

New institutions (and their mandates) or institutional reforms

58. An office for the implementation of treaties has been established within the Governorate of Vatican City State pursuant to ordinance.

Recently introduced policies, programmes and action plans and their scope and financing

59. On May 3, 2011, the Congregation for the Doctrine of the Faith issued a Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics.

Recent ratifications of human rights instruments

60. United Nations Convention against Transnational Organized Crime (not a human rights instrument per se but relevant).

Part III

Data, statistics and other information, if available

Question 1

Please provide information on the annual budget allocated for the implementation of the Convention for the years 2010, 2011, 2012.

61. There is no such allocation by the Holy See for its promotional activities internationally or for implementation of the Convention in VCS.

Question 2

Please provide, if available, updated statistical data (disaggregated by age, sex, geographic location, ethnic origin and socioeconomic background) for the years 2010, 2011 and 2012 on the number of babies abandoned in so called "baby boxes" managed by Catholic institutions and the exact number of baby boxes currently run by Catholic institutions.

62. The Holy See does not keep data on the daily activities of Catholic institutions around the globe.

Question 3

Please provide data on the number of children separated from their families and cared for by Catholic institutions around the world for the years 2010-2012.

63. The Holy See does not keep data on the daily activities of Catholic institutions around the globe.

Question 4

Please provide data, disaggregated by age, sex, ethnic origin and socioeconomic status, on cases of violence against children within the family for the period 2010-2012 reported to institutions of the Holy See and the actions taken to protect children and prevent further violence.

64. The Holy See does not keep data on the daily activities of Catholic families around the globe.

Question 5

Please provide the Committee with an update of any data in the report which may have been outdated by more recent data collected or other new developments.

65. (a) As of 2 September 2013, VCS has 26 children (under the age of 18) registered as citizens and 13 children registered as non-citizens (residents) for a total of 31 children;

(b) The number of schools and students as of December 31, 2010 (statistics from *Annuarium Statisticum Ecclesiae*, 2011) are as follows: Distribution per type of school: 71,482 kindergartens with 6,720,545 pupils; 94,411 elementary schools with some 31,939,415 students; 43,777 secondary schools (junior and senior) with 18,952,976 students. Distribution per continent: Africa: 62,082 schools with 22,129,566 students;

Americas: 52,386 schools with 11,734,123 students; Asia: 39,896 schools with 14,086,827 students; Europe: 49,876 schools with 8,468,014 students; Oceania: 5,430 schools with 1,197,406 students.

Question 6

In addition, the Holy See may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

66. (a) The Holy See has focused on enacting penal laws in VCS as a matter of implementation including the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, see the discussion above;

(b) It will now examine whether additional amendments to the laws in VCS are needed, in specific regard, to those provisions regarding minors which were introduced with *Motu Proprio Legge n. L* that modified the Penal Procedural Legislation of 21 June 1969, AAS Suppl. 41 (1969) 13-26 and in light of the recent amendments;

(c) It will also complete its research and study on the development of a safe environment program for children in VCS with a view to finalizing the program by the end of 2014;

(d) It will continue with its human rights courses for Gendarmes on the treaties in force in VCS, seeking to introduce similar courses for the Swiss Guards and Medical Personnel, working within VCS.